

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

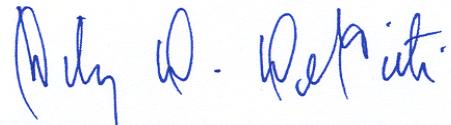
WAYNE M. CONLEY,)
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Plaintiff,)
)
)
v.) Case No. CIV-16-719-D
)
)
SOUTHWESTERN CHRISTIAN)
UNIVERSITY,)
)
)
Defendant.)

ORDER

Before the Court is Defendant's Motion to Dismiss [Doc. No. 8]. Because Plaintiff has filed no response within the period prescribed by LCvR7.1(g), the Court deems the allegations in Defendant's motion confessed, and hereby **GRANTS** the motion. *See id.* ("Any motion that is not opposed within 21 days may, in the discretion of the court, be deemed confessed."); *see also Calvey v. Obama*, 792 F.Supp.2d 1262, 1273 (W.D. Okla. 2011) ("[A] respondent must address any and all issues raised by a moving party's papers, or else face the very real possibility that it will be deemed to have abandoned its right to do so.") (quoting *United States v. Nacchio*, 555 F.3d 1234, 1251 (10th Cir. 2009)). Moreover, the Court finds the arguments in Defendant's motion and brief regarding the deficiencies of Plaintiff's pleading to be well taken, and finds the Complaint fails to state a claim upon which relief can be granted.

Accordingly, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED this 30th day of November, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE